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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,888	11/08/2001	John Ruckart	36968/262330 (BS 001250)	5266

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EXAMINER

TRAN, QUOC DUC

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 04/21/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/008,888

**Applicant(s)**

RUCKART ET AL.

**Examiner**

Quoc D Tran

**Art Unit**

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Response to Amendment***

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-8, 10-12 and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Lesley (6,188,752).

Consider claim 1, Lesley teaches a method for prepaid communications, comprising: crediting a user account with prepaid credit; detecting a predefined condition associated with a communications connection and deducting the cost of the communications connection from the user account, wherein the predefined condition comprises origination of the communications connection from one of a plurality of predefined sources (abstract; col. 2 lines 14-29, lines 65-67; col. 4 lines 32-48; col. 5 lines 51-58; col. 6 lines 4-42).

Consider claim 2, Lesley teaches the method wherein the communications connection comprises a phone call (col. 4 lines 32-48).

Consider claim 3, Lesley teaches the method wherein the communications connection comprises a digital subscription line ("DSL") (col. 4 lines 32-48).

Consider claim 4, Lesley teaches the method wherein the communications connection comprises an Ethernet connection (col. 4 lines 32-48).

Art Unit: 2643

Consider claim 6, Lesley teaches the method wherein the predefined condition further comprises an access code (col. 6 lines 60-64).

Consider claim 7, Lesley teaches the method further comprising notifying a user of the amount of the prepaid credit (col. 10 lines 19-22).

Consider claim 8, Lesley teaches the method wherein the predefined condition further comprises a determination that the communications connection is a long distance call (abstract).

Consider claim 10, Lesley teaches the method further comprising accepting a code number to access the user account (col. 9 lines 45-63).

Consider claim 11, Lesley teaches the method further comprising terminating the communications connection if the predefined condition is not met (col. 8 lines 22-25). It should be noted that the system would inherently terminate the call if no further action being taken.

Consider claim 15, Lesley teaches a computer readable medium for prepaid communications, comprising: a first set of instructions for crediting a user account with prepaid credit associated therewith; a second set of instructions for deducting the cost of a communications connection from the credit in the user account if a predefined condition associated with the communications connection is detected; and wherein the predefined condition comprises the origination of the communications connection originating from one of a plurality of predefined sources (abstract; col. 2 lines 14-29, lines 65-67; col. 4 lines 32-48; col. 5 lines 51-58; col. 6 lines 4-42).

Consider claim 12, Lesley teaches a method for prepaid wireline, comprising: crediting a first user account with a first prepaid credit amount, wherein the first user account comprises a first access code; crediting a second user account with a second prepaid credit amount, wherein

Art Unit: 2643

the second user account comprises a second access code; receiving a proffered code and an origination of a communications connection; if the origination of the communications connection is a predefined source and the proffered code comprises the first access code, deducting the cost of the communications connection from the first prepaid credit amount; and if the origination of the communications connection is the predefined source and the proffered code comprises the second access code, deducting the cost of the communications connection from the second prepaid credit amount (abstract; col. 2 lines 14-29, lines 65-67; col. 4 lines 32-48; col. 5 lines 51-58; col. 6 lines 4-42). It should be noted that each database record is associated with each subscriber account that include a separate PIN or access code. Thus, the system must deduct the cost for the communication from the account associated with the PIN accordingly.

Consider claim 14, Lesley teaches the method further comprising deducting the cost of the communications connection from at least one of the first user account or second user account if the communications connection is long distance (abstract).

Consider claim 16, Lesley teaches a computer readable medium for prepaid communications, comprising: a first set of instructions for crediting a first user account with a first prepaid credit amount, wherein the first user account includes a first access code; a second set of instructions for a second set of instructions for crediting a second user account with a second prepaid credit amount, wherein the second user account includes a second access code; a third set of instructions for detecting a code and origination of a communications connection; a fourth set of instructions for deducting the cost of the communications connection from the first prepaid credit amount if the origination line of a phone call is a predefined source; and a fifth set of instructions for deducting the cost of the communications connection from the second prepaid

credit amount if the origination of a call is the predefined source and the code is the second access code (abstract; col. 2 lines 14-29, lines 65-67; col. 4 lines 32-48; col. 5 lines 51-58; col. 6 lines 4-42). It should be noted that each database record is associated with each subscriber account that include a separate PIN or access code. Thus, the system must deduct the cost for the communication from the account associated with the PIN accordingly.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lesley (6,188,752) in view of Jones et al (6,195,422).

Consider 5, Lesley did not further suggest wherein the predefined condition further comprises a destination number of the communications connection. However, Jones et al teach a pre-paid telecommunication services that provided restriction to a particular destination (col. 6 lines 10-36). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize the teaching of Jones et al into view of Lesley in order to provide user to the flexibility of controlling their usages.

Consider claim 9, Lesley did not further suggest further comprising bypassing toll restrictions if a bypass code is received. However, Jones et al teach a pre-paid telecommunication services that provided restriction to a particular destination wherein toll restriction may be bypassed (col. 6 lines 10-36; col. 15 lines 20-25). Therefore, it would have

Art Unit: 2643

been obvious to one of the ordinary skill in the art at the time the invention was made to utilize the teaching of Jones et al into view of Lesley in order to provide user to the flexibility of controlling their usages.

Consider claim 13, Lesley did not further suggest further comprising bypassing toll restrictions if a bypass code is received. However, Jones et al teach a pre-paid telecommunication services that provided restriction to a particular destination wherein toll restriction may be bypassed (col. 6 lines 10-36; col. 15 lines 20-25). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize the teaching of Jones et al into view of Lesley in order to provide user to the flexibility of controlling their usages.

#### ***Response to Arguments***

5. Applicant's arguments filed 2/2/2004 have been fully considered but they are not persuasive.

In response to applicant argument that Lesley fails to teach that a plurality of sources can be predefined such that when a communication connections originates from one of the plurality of predefined sources, prepayment for communications services is facilitated. Accordingly, the examiner respectfully disagrees with applicant argument. Lesley teaches that when a call is made from the subscriber's home or business telephone devices, the call charges is then authorize to be debited from subscriber's prepaid account. This clearly implies that the subscriber's home or business telephone devices are one of the predefined sources that are authorized to use the prepaid account for the telephone call. Thus, the home and business telephone devices are the

Art Unit: 2643

plurality of predefined sources. Therefore, Lesley clearly read on applicant's limitation as claimed.

In response to applicant argument that Lesley fails to teach or suggest that calls originating from the same predefined source maybe deducted from the first or a second prepaid amount depending on whether the security code entered is a first security code or a second security code. Accordingly, the examiner respectfully disagrees with applicant argument. Lesley teaches that when a call is made from the subscriber's home or business telephone devices and a PIN code is entered for authorization or validation. The call charges is debited from subscriber's prepaid account that is associated with the PIN code entered. Let assume that the caller subscribed to 2 prepaid accounts. Thus, prepaid account No. 1 is associated with a PIN code No. 1 and prepaid account No. 2 is associated with PIN code No. 2. So, when the caller makes a call from home or business telephone device and one PIN code No. 1 is entered, the call is debited from prepaid account No. 1. On the other if PIN code No. 2 is entered, then the call is debited from prepaid account No. 2. Therefore, Lesley clearly read on applicant limitation as claimed.

Applicant goes on and argues for a similar reason as presented above. Therefore, the responses will be the same as the above.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



Art Unit: 2643

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Facsimile responses should be faxed to:

**(703) 872-9306**

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive

Arlington, VA., Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(703) 306-5643**. The examiner can normally be reached on Monday-Thursday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(703) 305-4708**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(703) 306-0377**.



Quoc D. Tran

Patent Examiner AU 2643

April 16, 2004